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**UNITED STATES DISTRICT COURT**  
**FOR THE NORTHERN DISTRICT OF CALIFORNIA**  
**SAN JOSE DIVISION**

REUBEN BERENBLATT, ANDREW  
PERSONETTE, EARL C. SIMPSON, LAURA  
MILLER, On behalf of themselves and  
all others similarly situated,

Plaintiffs,

v.

APPLE INC.,

Defendant.

THOMAS WAGNER, SCOTT MEYERS, On  
behalf of themselves and all others similarly  
situated,

Plaintiffs,

v.

APPLE INC.,

Defendant.

Case No. C-08-04969 JF (PVT)  
Case No. C-09-01649 JF (PVT)

**STIPULATION AND  
[PROPOSED] ORDER  
EXTENDING PLAINTIFFS'  
TIME TO FILE THIRD  
AMENDED COMPLAINT**

1 Pursuant to Local Rules 6-2 and 7-12, the parties, by and through their respective  
2 counsel, hereby stipulate and request as follows:

3 WHEREAS, Plaintiffs filed a Second Amended Class Action Complaint (“Second  
4 Amended Complaint”) on September 21, 2009;

5  
6 WHEREAS, pursuant to a stipulation between the parties, Defendant’s deadline to  
7 respond to the Second Amended Complaint was extended from October 5, 2009 to  
8 November 5, 2009;

9  
10 WHEREAS, Defendant moved to dismiss the Second Amended Complaint on  
11 November 5, 2009;

12 WHEREAS, the Court granted Defendant’s motion, with leave to amend as to  
13 Plaintiffs’ claims under the UCL and for unjust enrichment, on April 7, 2010;

14  
15 WHEREAS, the Court’s April 7, 2010 Order (“Order”) required Plaintiffs to file  
16 any amended complaint within thirty (30) days of the date of the Order (i.e. May 7, 2010);

17 WHEREAS, Plaintiffs filed a Motion for Administrative Relief pursuant to Local  
18 Rule 7-11 on April 22, 2010, seeking leave to conduct targeted discovery prior to filing an  
19 amended complaint;  
20

21 WHEREAS, Defendant filed an Opposition to Plaintiffs’ Motion for  
22 Administrative Relief on April 26, 2010;

23 WHEREAS, the parties have agreed to extend the current deadline for Plaintiffs to  
24 file an amended complaint until May 28, 2010;

25  
26 WHEREAS, the continuance of the deadline to file an amended complaint will not  
27 affect any other deadlines in this action;  
28

1 NOW, THEREFORE, IT IS HEREBY STIPULATED AND AGREED, SUBJECT  
2 TO THE APPROVAL OF THE COURT:

3 1. Plaintiffs' deadline to file an amended complaint is extended until May 28, 2010.

4  
5 Dated: May 5, 2010

Caldwell Leslie & Proctor, PC

6 By: /s/ Robyn C. Crowther  
7 Robyn C. Crowther

8 Dated: May 5, 2010

Girard Gibbs, LLP

9 By: /s/ Eric H. Gibbs  
10 Eric H. Gibbs

11 Dated: May 5, 2010

Cohen Milstein Sellers & Toll, PLLC

12 By: /s/ Douglas J. McNamara  
13 Douglas J. McNamara

14 Attorneys for Plaintiffs

15 Dated: May 5, 2009

Morrison & Foerster LLP

16 By: /s/ Andrew D. Muhlbach  
17 Andrew D. Muhlbach


18 Attorneys for Defendant

19  
20 *Filer's Attestation:* Pursuant to General Order No. 45.1, I, Robyn C. Crowther attest that I  
21 obtained concurrence in the filing of this document from the other signatories.

22 **PROPOSED ORDER**

23 PURSUANT TO STIPULATION, IT IS SO ORDERED.

24 Dated: May 6, 2010

25  
26   
27 The Honorable Jeremy Fogel  
28 United States District Judge

STIPULATION AND PROPOSED ORDER  
Case No. C-08—04969 JF  
Case No. C-09—01649 JF